Performance Evaluation of the Housing Consumer Protection Trust (HCPT)

(USAID/SA Grant Agreement No. 674-0312-G-00-7030-00)

Evaluation Report

Submitted to:

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Submitted by:

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Interviews:

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Executive Summary

Purpose of

Evaluation:

- i) to compare the Housing Consumer Protection Trust's progress to date with its stated goals and those of the SO6 team:
- ii) to synthesise the achievements of HCPT with respect to SO6 RP#3 and to SO6 in general.

Methodology:

- i) review of all documentation
- ii) interviews with USAID officials
- iii) interviews with key players.

Background:

HCPT was established in 1993 by a coalition of urban sector organisations with the aim to "to educate and inform low-income consumers of their right to a fair deal when acquiring housing or accommodation, and to create mechanisms, initiatives and institutions aimed at reducing the exploitation occurring in the low-income housing market". It operates four advice centres located in Johannesburg (head office), Port Elizabeth, Durban and Cape Town and runs a national toll-free telephone advice service from its Johannesburg office.

USAID's Assistance

Approach:

A USAID grant of \$275 000, made in June 1993, and expired in December 1995. In June 1997, a further grant of \$300 000 was made with June 1998 the expiry date. Another grant for \$385 000 has been agreed for the period ending 2001.

Results:

HCPT Achievements:

- C Establishment and operation of an advice centre network
- C Establishment and operation of a toll-free line
- Contribution to the introduction of key legislation
- C Training
- Participation on forums and boards; HCPT represented the interests of the consumers on the Estate Agents Board, the National Home Builders Registration Council, the Gauteng Landlord Tenant Board, the Port Elizabeth Low Income Housing Advisory Board, the KZN Joint Housing Forum, the KZN Housing Education Initiative and the Mortgage Indemnity Scheme Forum
- C Consumer awareness
- C Recovery of clients' funds
- C Fund raising
- C Strategic planning

Compliance with Agreement Objectives:

In terms of the original purpose of the USAID grant, HCPT has been very successful. Regarding the more specific objectives, the results are as follows:

Establish and operate Advice Centres: this has been done with good results.

Support education programmes of other organisations: this objective has been achieved satisfactorily.

Outreach Programme: since the Mortgage Indemnity Fund ceased operating HCPT has continued in other ways with the outreach program despite major financial constraints.

Provide a toll-free telephone advice service: very successful activity.

Monitor the housing environment: done in an unstructured way.

Analyse records from advice centres and the toll-free telephone service: records kept but little analysis of these.

Conduct two surveys to measure extent of change in consumer population: not formally done.

Help create a home-ownership culture: this has been done with the rental option also considered.

Hold workshops to develop a five-year plan with funding requirements: not done although strategic workshop recently held for trustees.

Provide USAID with a sustainability plan: not yet done.

Consider charging minimal fee: not yet done.

Conclusions:

- C HCPT vulnerable from point of view of sustainability.
- Under-representation of callers on toll-free line from non-Gauteng regions.
- C HCPT not fully addressing problems of HDP at bottom end of the income spectrum.
- C Legal skills of toll-free operators need to be augmented with specialist housing skills.
- C HCPT needs to consider providing its services more on a group or community basis not predominantly on the one-to-one system that presently occurs.
- More scrutiny and analysis need to occur with respect to monitored information.
- C The urban bias needs to be considered.

Recommendations:

A number of recommendations, based on the comparison of the objectives and achievements, are made in the report.

Synthesis:

HCPT has only been partially successful in terms of meeting the aims of SO6 RP#3 and SO6 itself.

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1. Introduction

1.1 Purpose of Evaluation

This report documents the results of an evaluation of the Housing Consumer Protection Trust (HCPT). The main objective of the evaluation is to compare HCPT's progress to date relative to its stated goals and to those of the SO6 team.

A second purpose is to synthesise the achievements of HCPT with respect to SO6 RP#3 and to SO6 in general.

1.2 Scope of Work

In terms of our agreement with Macro International Inc. we were commissioned to conduct a performance evaluation of the Housing Consumer Protection Trust, the scope of work being as follows:

- c review relevant information sources and interview representatives from Grantee organisations with a view to establishing the aims and objectives of the Grant and how these link with USAID's SO6 goals;
- c assess the current status of the Grant in terms of individual accomplishments and in comparison to the intended results agreed on by the Grantee and USAID;
- identify and discuss the rationale for any transformation or changes that have occurred in the organisation;
- determine and show whether or not results have been achieved and goals met, and whether this was done within the agreed upon Grant arrangements;
- for all performance levels, assess the rate of progress/non-progress
- for training-related components of the performance assessment, conduct a trainee impact assessment survey. This should address the following questions:
 - a) what was the trainees' perception of the training experience?
 - b) whether trainees are using the experience gained, and how?
 - c) whether the training has impacted on the professional life of trainees, and how?
 - d) what concrete examples can be provided of things learned?
 - e) what do trainees' envisage will be the long-term benefits of training received?
- c indicate whether there were any unanticipated positive or negative

consequences and how these impacted on the program;

- c highlight lessons learned by or through the Grant and identify best practices;
- make suggestions and recommendations regarding the overall performance and future activities of the Grantee and USAID;
- if necessary, debrief Grantees and organisations prior to departure.

1.3 Methodology

Document review: A careful study of the main agreements, amendments and related documents was undertaken in order to establish the main purpose and objectives of the grant. The Final Report and other HCPT generated documentation was a major source of information.

Interviews with USAID officials: meetings were held with Carleene Dei and Sesana Mokoana

Interview with Key Players: Meetings were held with Penny Beck and Kalpana Mohanlal at HCPT offices in Johannesburg and with Narain Kuljeeth and again with Penny Beck at Natal University in Durban.

Telephone interviews: these were held with the three legal advisors heading the three other branch offices and with three members of the Executive Committee, one of whom is the present chairperson of HCPT (see Acknowledgements).

2. Background

The Housing Consumer Protection Trust is a not-for-profit institution established in 1993 by a coalition of highly respected urban sector organisations: Lawyers for Human Rights, the Legal Resources Center, the Urban Foundation, SANCO and the Urban Sector Network. The organisation has as its mission: "to educate and inform low-income consumers of their right to a fair deal when acquiring housing or accommodation, and to create mechanisms, initiatives and institutions aimed at reducing the exploitation occurring in the housing market". It has four advice centres located in Johannesburg (head office), Port Elizabeth, Durban and Cape Town. HCPT has in its employ 13 permanent staff and four temporary staff who operate its toll-free telephone services. USAID were supportive of this mission statement and an initial grant was made in June 1993.

The Trust is comprised of a Board of Trustees representing business and communities and meets once per year; an Executive Committee which meets quarterly; a Director who heads the organisation from the Johannesburg office; a Managing Attorney; three Legal Advisors who head the branches in Durban, Cape

Town and Port Elizabeth; four toll-free service operators who report to the managing attorney who reports to the Director; and support staff. A funding committee, made up of the Director and three EXCO members, meets from time to time to discuss the HCPT financial position, fundraising and donor contracts.

3. USAID's Assistance Approach

A USAID grant of \$275 000, made in June 1993 and expired in December 1995. In June 1997, a further grant of \$300 000 was made with June 1998 as the expiry date. Another grant for \$385 000 has been agreed in principle but not yet signed up for the period ending 2001.

3.1 Original Purpose of Grant

"....to protect the rights of the low-income historically disadvantaged population (HDP) who are entering the urban housing market for the first time and are subject to such exploitative practices as losing deposits, being sold land that isn't owned by the seller and demand for excessive deposits, to mention but a few." This original purpose has been extended through the introduction of the Housing Subsidy Scheme in 1995 which has brought about a large number of enquiries in this and related areas.

3.2 HCPT Objectives

The following ten objectives or prescribed activities appear in Amendment 2 (Program Description) of the Agreement dated June 1997.

- a. to establish and operate four advice centres in the four major metropolitan areas;
- b. to support the education programmes being initiated by the Mortgage Indemnity Fund (MIF), Servcon (a company of MIF) and the national government by giving input on key issues about which consumers require information and on protection issues of which they should be aware;
- c. to provide a toll-free telephone service to its customers on housing issues;
- d. to monitor the housing environment in order to inform and to influence public policy decisions;
- e. to analyse records from advice centres and toll-free telephone service with a view to improving its service;
- f. to conduct two surveys to measure the extent of change in the extent of knowledge of the home-ownership process of its target population: low-income housing consumers;

- g. to help create a home-ownership culture in the target population;
- h. to hold workshops with other key organisations to develop a 5-year plan that will address, among other things, funding requirements;
- i. to formulate and provide USAID with a sustainability plan, and
- to consider charging a minimal fee for a portion of its services to help cover operational costs and, therefore, to contribute to long-term sustainability.

4. Results

4.1 Achievements of HCPT

The achievements listed below describe the activities of HCPT without any reference to the objectives stated earlier. The extent to which these achievements conform with the stated objectives is considered in the following section.

- i) Establishment and operation of an Advice Centre network: HCPT was established and has been operating for a number of years. In the year June 1997 to June 1998, these centres assisted 12 000 persons a number that has been increasing every year since 1993 when HCPT was first established. The amount of activity increases considerably after an advertising campaign. Examples of the types of support given, include: advice, legal action and referring to other support institutions, concern problems with respect to: foreclosures due to bond repayment defaults, refunding of deposits, defective workmanship and structural defects, attorneys and estate agents absconding with deposits, building maintenance and land occupation issues. Although a proportion of consumers are seeking pre-emptive advice, most of them appear to require a re-active response from HCPT in that clients have already got themselves into a difficult position rather than seeking advice before committing themselves in some way.
 - HCPT has developed a pro-active program aimed at training and education which has resulted in the focus of HCPT moving gradually towards proactivity.
- ii) Establishment and operation of a toll-free line: this national service, which runs from the Johannesburg office, has been very successful in terms of the volume of calls received particularly after an advertising campaign. Whether or not callers were effectively assisted is not clear since there is no follow up record kept. To measure the usefulness of this service to callers would need a special study in which a sample of callers would need to be interviewed. The service is operated by law graduates and students and is accessible to consumers during office hours. For the year ended June 1998, a total of

23 553 calls were received (approximately 91 calls per working day); 47% from Gauteng,17% from KwaZulu Natal, 10% from the Free State, 9% from the Western Cape, 6 % from the Eastern Cape and the remaining 11% from elsewhere in the country. A large proportion of these calls (56%) concerned housing subsidy issues; only 16% related to pre-emptive advice. The majority of calls (60%) were from males. The majority of callers (61%) were made aware of this toll-free service through radio advertising and talk shows; word-of-mouth accounted for 17% of callers while 9% was generated through newspaper advertising. In 1997 this service was made available to the Education Outreach Programme of the Mortgage Indemnity Fund.

- iii) Contribution to the introduction of key legislation: HCPT, as part of the consultation and drafting process, has made a contribution to the introduction of key legislation which will result in the protection of consumers. This legislation includes the following:
 - the National Home Builders Registration Council which provides for a warranty for structural defects and sets standards and guidelines for contractors:
 - the Estate Agents Amendment Bill which allows for: an extension of the Fidelity Fund for money lost to estate agents through deposits going missing; a cooling off period for purchasers, financial redress for improper conduct of estate agent, and an increase of the maximum fine by the Disciplinary Committee from R1000 to R25 000, and
 - the Gauteng Landlord Tenant Act which provides for speedy and fair resolution of disputes between landlords and tenants and sets out the roles of each party.

The HCPT is also actively participating in the implementation of the above legislation.

- iv) Training: the Trust has provided in-house training of the advice centre staff and the toll-free telephone operators. This training has been with respect to current housing legislation, housing policy, problem solving, etc. and focuses on the development needs of each individual attending the session. This training occurs approximately twice per month. Broader training is held over a period of one or two days and experts are invited to lecture on relevant subjects which are chosen at the request of staff attending and around issues typically raised by customers. In addition, discussion around pertinent issues takes place in groups. These sessions normally take the form of workshops held four or five times per year. In 1997 HCPT staff attended training provided by HCPT and the Mortgage Indemnity Fund.
- v) Participation on forums and boards: HCPT is increasingly being recognised as an organisation representing low-income housing consumers and, as such, is represented on the Estate Agents Board where it is active on a number of

committees, the National Home Builders Registration Council, the Gauteng Landlord Tenant Board, the Port Elizabeth Low Income Housing Advisory Board, the KZN Joint Housing Forum, and the KZN Housing Education Initiative, and the MIS Forum.

- vi) Consumer awareness: the Trust has, through its consumer awareness programme, become very pro-active in making people aware of their rights and responsibilities and the need to seek advice through the HCPT centres and the toll-free line. This has been done through national newspapers, radio, TV, distribution of posters nationally, workshops with business employees and meetings with stakeholders. In 1997 it participated in the MIF Education Outreach Programme where the toll-free line became a housing Helpline and in a bridging programme now that the MIF programme has ended. For this programme HCPT was involved in the production of twenty information pamphlets and a major resource document.
- vii) Funds recovered on behalf of clients: to date, the Trust has been able to recover an amount of R859 000 for clients from the Estate Agents Board, contractors and developers, the Law Society, and estate agents. The number of clients involved is not known.
- viii) Fund raising: this has been happening with some success. In 1998 the following amounts were received or pledged in addition to the USAID donation:

| Total | 1 072 770 |
|----------------------|-----------|
| MIF | 191 520 |
| Liberty Life | 40 000 |
| SA Breweries | 20 000 |
| Estate Agent's Board | 231 480 |
| SIDA | 589 770 |
| | |

- ix) Strategic planning: HCPT has developed a broad view of how it hopes to develop. It expects to become more pro-active with respect to the dissemination of information rather than playing a re-active role to people's problems. It also intends to become focussed on consumer training and education. It intends to develop training and education material. Its education focus will include the following six components:
 - C Housing consumer awareness through an on-going media campaign;
 - C Easy access to housing information and assistance through the toll-free telephone service and the advice centres;
 - C Information dissemination through the use of trained co-ordinators working through community organisations;

- C Leadership training in housing matters in order to create a network of leaders in communities who can provide housing advice;
- C Development and continual updating of information pamphlets;
- Revision of current trustees to include people who could add further value to the work of the organisation, and
- x) Introduction of good business systems and practices: the Director, mainly through an exchange rate benefit of R174 816 from USAID funds, has introduced improved management systems, mainly with respect to data capturing, storage and statistical analysis; capital improvements were also made.

4.2 Compliance with Agreement Objectives

In terms of the original purpose of the grant, *viz.*, "....to protect the rights of low-income HDPs who are entering the urban housing market for the first time and are subject to exploitative practices ...", HCPT has been very successful in the five years of its existence to the extent that USAID was compelled to state in a 1996 Action Memorandum: "USAID has considered the grant a great success. The coverage provided by the grantee has grown by leaps and bounds over the last three years." This assessment, to a large extent, endorses this statement. HCPT has continued to grow in this way. More specifically, regarding the ten objectives described more fully in section 3.2:

- a. Establish and operate Advice Centres: this has been done with good results; it is to be noted, however, as in the case of the toll-free telephone service, the type of enquiries received by the Trust have shifted away from purely legal matters where a re-active action is required to broader matters concerning the housing subsidy scheme which requires a more pro-active response.
- b. Support education programmes of other organisations: this objective appears to have been achieved satisfactorily particularly in 1997 through its involvement with the MIF's Education Outreach Programme; the MIF has since gone out of existence but HCPT, despite financial shortages, has continued this work through radio talk-shows, newspaper articles, workshops and posters.
- c. Provide a toll-free telephone advice service: this continues to be a very successful activity; an independent, in-depth survey carried out in December 1997 under the Education Outreach Programme, when the toll-free service was operating as The Housing Helpline, identified some minor problems but on the whole was very complimentary of the service. Clearly, the ability of the telephone operator to quickly identify the substance of the call and to 'network' it to the appropriate organisation is a crucial aspect of the service. It can, however, be a problem when,

- as the survey found, many of the callers perceive this service to be 'a place of comfort' and may be disappointed at being re-routed.
- d. Monitor the housing environment: this is done on an on-going basis through the everyday activities of the organisation and records are kept of the involvement with their clients; whether or not this activity has had the intended result of influencing public policy is not clear particularly since HCPT has been represented on a number of forums and boards where its experience would have been disseminated.
- e. Analyse records from advice centres and the toll-free telephone service: although records have been kept and documented (mainly in the Final Report dated Dec. 1997 to June 1998), there appears to be very little analysis of these records particularly insofar as they inform future strategy.
- f. Conduct two surveys to measure extent of change in consumer population: these were not carried out as formal surveys but, rather, as part of the everyday monitoring of customer queries; this approach, however, did not give a good indication of changes (of knowledge and understanding) that were occurring in the consumer population.
- g. Help create a home-ownership culture: this has been done through the production of pamphlets which in many cases deal with the benefits, costs and responsibilities of home-ownership. In this way the Trust also deals with rental as an option and does not appear to favour the one form of tenure over the other. To measure the impact of these pamphlets one would need to conduct a survey amongst recipients of these pamphlets.
- h. Hold workshops to develop a five-year plan with funding requirements: an in-house strategic workshop has recently been held; the minutes of this are not yet available.
- i. Provide USAID with a sustainability plan: at the time of writing this has not yet been done but might have been dealt with at the recent strategic workshop; this is clearly a very important matter since HCPT does not in any way earn additional income from the charging of fees. With increasing operating costs this is not a sustainable operation and must rely on grant funding.
- j. Consider charging a minimal fee: this prospect appears to have been discussed at the recent strategic workshop.

4.3 General Assessment of HCPT's Achievements

While HCPT has not fully achieved all the objectives as set out in the Agreement, mainly due to not all of the USAID funding forthcoming, it has been particularly successful in meeting the overall purpose of the grant through its advice centre and toll-free telephone activities. The Trust has clearly made an important contribution nationally to consumer awareness about housing matters and in many cases has protected the consumers' interests where these have been transgressed. It has achieved this in a particularly cost-efficient way through a tight and well-managed administrative structure. Although the Gauteng operation has tended to dominate the operation in terms of the number of consumers accessed, a relatively wide spectrum of consumers, in terms of their different needs, have benefited from the programme. A major strength of the Trust has been the efficient and continuous management of its Director, Penny Beck. The Trust has also benefited from having a supportive board of trustees and, in particular, its Executive Committee. The advertising campaigns that are undertaken from time to time have a strong influence on the effectiveness of the organisation.

5. Conclusions

In these conclusions an attempt is made to highlight what are seen by the assessors to be apparent weaknesses of the organisation.

- Although HCPT's financial position is currently strong, it is vulnerable from the point of view of its sustainability. It is set up and it operates in such a way that there is no means of earning income which is essential for the long-term survival of the organisation. It may, however, be argued that it would not be right for HCPT to earn income from people who, very often, are in dire straits themselves and that donor funding is the only option. While there has been some additional fundraising particularly through SIDA and the Estate Agents Board, it would appear that the dependency on USAID support is a cause of concern.
- The toll-free telephone service has been very successful but there is an overemphasis on callers from Gauteng (47%). One would expect that the massive need in the Eastern Cape would generate more than 6% of the total calls; the reasons for this imbalance are not know and need to be investigated.
- C HCPT is accessing a large number of housing consumers from all income groups. For this reason it is not clear to what extent these come from poorer sections of the population, with earnings of, say, below R1500 per month where the greatest housing need lies. Unfortunately income statistics are not available in the documentation. Judging by most of the case study material given, these people do not come from the lowest income category. This is particularly true when one considers problems related to mortgage bonds and HCPT's MIF and Servcon involvement. USAID's intentions with regard to the target community are not made clear other than to refer to the historically disadvantaged population. Perhaps it is not the intention of HCPT to operate at

the lowest end of the market - particularly insofar as it is already fully committed as it is.

- The toll-free service, by using legally trained operators, appears to emphasise the legal nature of the advice it provides whereas the majority of calls concern the housing subsidy scheme. The operators do obtain in-house training in this area but is this enough? The service needs to be able to respond fully to these types of queries without having to refer the caller to a specialist in this area. It is important that the toll-free service does not become simply a re-routing service. Furthermore, HCPT advertises this service as a place where people can obtain legal *and* housing subsidy advice and therefore needs to be expert in this area as well.
- By predominantly dealing with consumers on a one-on-one basis, HCPT limits its effectiveness particularly where the queries are around the same issues such as the housing subsidy scheme and the new rental bill.
- Information obtained from the monitoring of its customer contacts is not sufficiently scrutinised and analysed using conventional research techniques. This is potentially a major source of information.
- Much of the pamphlet material prepared under the Education Outreach Programme is aimed at persons with sufficient income to obtain a mortgage loan whereas the majority of the historically disadvantaged population are not eligible. Once again, this is perhaps a problem of HCPT (and USAID) not defining clearly, in income terms, where their target population lies. In addition, the pamphlets emphasise the actions that an individual can take rather than how a community can respond to its housing problems through initiating a housing project; for the many people living in informal settlements, this is the more typical situation.
- Although there is no urban/rural breakdown of HCPT's customers, its activities appear to favour urban customers when clearly there is also a large rural housing need given that more than half the African population is rural. Here again, for HCPT this is probably a question of capacity. USAID is not clear on this question.

6. Recommendations

It should be noted that these recommendations are made by the assessors based on a limited understanding of the organisation and the environment within which it operates. It is also recognised that these recommendations are made in the face of what is essentially a successful track record but which needs reassessment.

a. While HCPT's focus on a few, well-defined activities is one of its strengths, it does, however, need to carry out more strategic planning - particularly with

regard to developing alternative strategies such as dealing with whole communities, or groups with common problems, rather than only the one-on-one model; income earning opportunities for HCPT also need to be investigated.

- b. The Trust needs to be more clear on the target market that it is attempting to serve with respect to income and urban *versus* rural. It may also wish to consider ways of providing support to the lowest income groups where most of the housing need lies.
- c. The toll-free service, in addition to its legal expertise, should also include a housing development expert or provide more intensive training for its operators.
- d. The relative paucity of calls from regions other than Gauteng on the toll-free line needs to be investigated and acted upon.
- e. More attention needs to be given to the statistical analysis of its customer base in order to inform its own operations and housing policy generally. To this end more reports (papers) need to be written and disseminated. Specialist consultants may be needed to do this.
- f. HCPT needs to prepare itself for increased activity resulting from the new rental legislation. More and more housing projects will in future include the rental option and will result in many enquiries concerning individual's rights and responsibilities in terms of this new legislation.
- g. Because of the large proportion of housing subsidy related questions, the Trust should consider working more closely with the Provincial Housing Boards than is presently the case.

7. Lessons Learned

The relative success of this organisation is, in our view, due to:

- c a clear focus with respect to its products
- C a supportive Board of Trustees
- C strong and continuous management
- © good contacts with other organisations
- C HCPT provides a free service which addresses a very real need.

8. Synthesis: Results Contribution to SO6 RP#3 and SO6

SO6 Results Package #3: Support for CBOs and NGOs

Intermediate Result # 6.3: Increased Non-credit forms of assistance to the HDP for obtaining access to shelter and urban services

IR 6.3 indicator: *number of HDP households that receive services through non-credit assistance.*

It is noted that this Results Package description does not corroborate fully with the required Intermediate Result nor with the IR-level indicator. In terms of the IR-level indicator; 'number of HDP households that receive services through non-credit assistance', HCPT has been particularly successful through the activities of its advice centres and toll-free telephone service. For the year ending June 1998 approximately 12 000 persons were helped by the advice centres and 23 553 calls were received by the toll-free line. In addition, through its awareness campaign, HCPT provided many people with information on housing-related matters.

SO6 Goal: Improved access to environmentally sustainable shelter and urban services for the historically disadvantaged population

The *environmentally sustainable* aspect of the SO6 goal does not appear to have been a factor with respect to HCDT's activities. Other aspects of the goal have been achieved but in a non-sustainable manner in that HCPT only has an *ad hoc* form of income through its sponsors which it can only rely on for a relatively short term. The SO6 housing strategy is 'designed to support the national effort to adequately house the disadvantaged *majority*'. Much of HCDT's efforts do not relate to the lowest income cohort where the majority of the housing need lies. Much of the emphasis has been on shelter needs with little or no attention to urban services such as water, sewerage and roads. HCPT is considered to be an organisation which has successfully contributed towards the achievement of the SO6 goal. That it does not contribute to all the aspects of the SO6 goal should be attributed to the specificity of that goal statement rather than to a lack of success of the organisation.

ANNEX

HCPT's Comments on the Draft Evaluation Report (see hard copy)

HCPT's comments on the first draft of the evaluation report (which was issued on 23/12/1998) are enclosed for the record. The consultants have not been able to respond to all the grantee's comments. This relates partly to the limited time available to them to conduct and finalize the evaluation. Also, and more importantly, there would have been a need for further discussion (negotiation) with the grantee over some of the points raised. There may also have been instances where the consultants decided to differ in opinion with the grantee.